

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – August 9, 2007 P.M.

Members Present: Tammy J. CitaraManis, Chairperson; David Grabowski, Vice-Chairperson; Linda A. Dombrowski; Gary Rosenbaum

Members Absent: Ramsey Alexander, Jr.

DPZ Staff Present: Marsha S. McLaughlin; Brenda Luber; Tanya Maenhardt; J Robert Lalush; William Mackey; Lisa Hill

Pre-Meeting Minutes

The Board discussed whether it was prepared to vote on its Minutes of April 12, 2007, April 26, 2007, May 10, 2007 and June 21, 2007. They determined that they would move forward in approving the Minutes, except for June 21st because there was not a quorum of Board members at the meeting present to vote on them. The Board also questioned the status of Minutes from June 7, 2007, asking for verification of whether they had been approved already or were still outstanding.

Minutes

On Motion by Mr. Grabowski, seconded by Mr. Rosenbaum the minutes of April 12, 2007 were approved as amended. Vote: 3 Yea 0 Nay. Ms. Dombrowski abstained from the vote.

On Motion by Mr. Grabowski and seconded by Ms. Dombrowski the minutes of April 26, 2007 were approved. Vote: 3 Yea 0 Nay.

On Motion by Mr. Rosenbaum and seconded by Mr. Grabowski the minutes of May 10, 2007 were approved. Vote: 3 Yea 0 Nay.

The minutes of June 21, 2007 were tabled until August 23, 2007.

PUBLIC MEETING

Ms. CitaraManis opened the public meeting at approximately 7:10 p.m.

SITE DEVELOPMENT PLANS

SDP-06-102 Baltimore Seventh Day Adventist Church

Presented By: Brenda Luber

Petition: For approval of a site development plan for the construction of a church building, parking lot and underground storm water management facility. In accordance with Section 107.F.1.a of the Howard County Zoning Regulations, Planning Board approval of this plan is required. The site is located at the north side of Grace Drive, approximately 650 feet southwest of Cedar lane, 7410 Grace Drive, Tax Map 35, Grid 22, Parcel 86, on land zoned R-ED (Residential: Environmental Development) in the Fifth Election District of Howard County, Maryland.

DPZ Recommendation: Approval

Petitioner's Representative: Thomas Meachum, Esq.

Ms. Luber gave a brief overview of the proposed plan for a church and parking lot as well as an underground storm water management facility. She stated that the Church has been granted a conditional use for religious activities.

Thomas Meachum, Esquire, spoke on behalf of the petitioner stated that due to a Conditional Use petition the church and parking spaces had been reduced as well as the lot coverage. He also stated the stormwater management facility had been moved to below the parking lot rather than above ground. Mr. Meachum explained that at the request of an adjacent property owner, a fence and gating had been placed on the site.

Mr. Rosenbaum questioned if the privacy fence was to be maintained by the church. Mr. Meachum explained that the fence would be on church property and that maintenance of the fence is required to be maintained by the Church.

Ms. Dombrowski asked if the Church had plans for future expansion. Mr. Meachum stated that the site is not very large and if the Church wanted to expand they would be required to go through the conditional use process again.

Robert Vogel, engineer for the project, stated that the site was designed to accommodate steep topography and retain as much forest as possible, with some forest conservation on-site. He explained that per a request from the Department, a sidewalk along Grace Drive would be constructed. Mr. Vogel explained the landscaping plan would include additional shrubs and trees along the parking lot for screening and a fence at the rear of the property that would be maintained by the Church.

Mr. Rosenbaum questioned if site distance was an issue for the plan. Mr. Vogel explained that site distance was reviewed and an appropriate entrance was designed.

Motion:

Ms. Dombrowski moved to approve SDP 06-102 and Mr. Grabowski seconded the motion.

Discussion:

Ms. Dombrowski stated that plan was modified due to the steep topography and that the plan effectively protects and maintains the environmental features of the site.

Mr. Rosenbaum stated that the plan did meet all the criteria, however he stated his concerns regarding steep slopes as well as sight distance.

Mr. Grabowski stated that he agreed with Board members and that the plan adapted the plan accordingly due to topography.

Ms. CitaraManis stated her agreement that the criteria had been met.

Vote:

4 Yea 0 Nay. The motion was carried.

SDP-07-087 Meridian Square (Village of Oakland Mills – Lot 8)

Presented By: Tanya Maenhardt

Petition: For approval of a site development plan for the construction of a 3 and 4 story office/retail/restaurant building (58 feet tall and consisting of 58,890 square feet of floor area) on 1.71 acres of land zoned New Town (NT) in accordance with Final Development Plan 50-A. The subject property is located at the intersection of Stevens Forest Road and Robert Oliver Place in the Sixth Election District of Howard County, Maryland.

DPZ Recommendation: Approval

Petitioner's Representative: Project Manager

Ms. Maenhardt explained the proposal and stated that it has been approved by Howard Research and Development and that the plan meets requirements of SRC agencies. She clarified the parking requirement is three spaces for each 1000 square feet of office space and that 114 spaces will be in the parking lot with the remainder provided along Stevens Forest Road. Ms. Maenhardt explained that the Oakland Mills Association, Department of Public Works and the Department of Planning and Zoning discussed the project early on in the proposal and that the parking layout was agreed upon at that stage.

Mr. Rosenbaum questioned if there were any excess parking spaces to take into account with the Village Center. Ms. Maenhardt explained that the Village Center had met its minimum parking requirement. Mr. Rosenbaum asked if there were any environmental concerns due to the subject parcel previously being a gas station.

Robert Vogel, Project Engineer, presented a colored rendering of the site and explained that the parcel had been deemed clean by the MDE and that Exxon would not release the site until it was clean. He explained that the project would be a redevelopment of an aging Village Center that had not been doing well. He further stated that the Petitioner met and addressed community concerns and worked through some unique issues with the County to address on-street parking, and that the project had become more user and pedestrian friendly with the widening of the sidewalks. Mr. Vogel explained the planned streetscape as well as the stormwater management plan.

Ms. CitaraManis questioned the roadside parking. Mr. Vogel stated that the parking would be on both sides of the road and that there would be a bump out to protect parked cars as well as providing pedestrian safety. He also explained that the on-street parking was desirable for the community and urbanized the area and that the idea was not to have a larger parking lot with large expanses of pavement that would not be used.

Karen Gray of 5951 Camelback Lane, Vice Chair of the Oakland Mills Village Board spoke in support of the development stating that Metroventures presented their proposal in December of 2006 and community support had been overwhelming. She stated that the building was accessible from Stevens Forest and Robert Oliver and that the on-street parking fits with the master plan for the community. She stated that the Petitioner will be working with the Village Board on landscaping and streetscape design, which hopefully will lead toward the remainder of the Village Center being upgraded. Ms. Gray stated that Metroventures has been very proactive in working with the community, attending meetings on the master plan process and keeping the community updated on changes.

Sandy Cedarbaum of 5465 Tree Frog Place, Village Manager spoke in support of the plan stating that the community was thrilled with the developer and that this was just the beginning of future improvements to the Village Center.

Steven Meskin, of 5626 Spanish Point Road, spoke in support of the project and stating his concerns that on-street parking for business use needed to be tracked by the Department.

Bob Goodwin, a family physician, of 9650 Santiago Road, asked what would be the nature of the occupants and the effect on the area.

Mr. Vogel explained that the developer envisioned neighborhood uses, such as local retail like a drycleaning business and the offices would be small type office such as a small entrepreneur.

Motion:

Mr. Rosenbaum moved to approve SDP-07-087, Stevens Forest Associates, LLC, Metro Ventures, USA. Mr. Grabowski seconded the motion.

Discussion:

Mr. Rosenbaum stated that the project would bring the Village Center and Oakland Mills back to the forefront and vibrancy of what Columbia is all about. He further stated that use of on-street parking is a very good concept for this particular site and should be looked at for other sites.

Mr. Grabowski stated he agreed with Mr. Rosenbaum and that it was nice to hear the neighborhood call their relationship with Metro Ventures as a partnership.

Ms. CitaraManis stated that the seeing the architectural drawing shows how the on-street parking is incorporated and being used.

Ms. Dombrowski questioned if storage space be able to be used for retail. Ms. Maenhardt explained that if storage space were desired, then it would be a different use and would have to be reviewed.

Vote:

4 Yea 0 Nay. The motion was carried.

ZONING REGULATION AMENDMENTS

ZRA 90 – Marsha S. McLaughlin, Director, Department of Planning and Zoning

Presented By:	Bob Lalush
Petition and Location:	To amend Section 103.A to add a new definition for the term "Housing Commission Housing Development"; to amend various non-residential districts to add Housing Commission Housing Developments as a use permitted as a matter of right, subject to certain criteria; to amend Section 128 Supplementary Zoning District Regulations to add a new Section 128.K concerning the criteria for Housing Commission Housing Developments; to amend Section 127.C Section 127.5.E, and Section 127.6.F. to delete the requirement of making moderate income housing units first available to certain qualifying persons prior to the general public; and to amend Section 127.1.E. to make a clarification concerning assisted living and nursing home beds in relation to the Moderate Income Housing Unit requirement.
DPZ Recommendation:	Approval
Petitioner's Representative:	Steve Lafferty, Deputy Director, Planning and Zoning Stacy Spann, Director, Department of Housing and Community Development

Ms. CitaraManis recused herself from this case and was not in attendance during the presentation.

Mr. Lalush gave a brief overview of the proposed amendments and explained several changes to the proposed amendment, such as removing the PGCC and TNC zoning districts.

Ms. Dombrowski asked why the changes were being proposed. Mr. Lafferty explained that the TNC is strictly limited to Route 40 and similar to MXD and should not have been included in the amendment. He also explained that PGCC has residential as a component and therefore does not need special permission to build residential in that zone.

Mr. Lafferty stated that the proposed zoning amendments would be in conjunction with Housing Code legislation being proposed by the Department of Housing and Community Development. He explained that there are no height limits, open space or setbacks currently and this regulation amendment would set forth those limitations and that the Housing Commission would only be able to do a project on property it owns.

Stacy Spann, Director of the Department of Housing and Community Development stated that the amendment moves existing authority to build Commission-owned housing in non-residential districts from the Housing Code to the Zoning Regulations. It would allow partnerships to be created for securing tax credits for financing, but requires the Housing Commission to maintain control. Mr. Spann explained that the legislation would tighten up all of the requirements.

Mr. Lafferty explained the PSC district amendment. The administration of moderate income housing requirements for nursing and residential care would be overly burdensome. He explained that "beds" were used for calculating permitted density not MIHU requirements.

Ms. Harriet Bachman, representing the Interfaith Coalition for Affordable Housing, spoke in support of the proposed amendment, stating that the Coalition believes that the legislation will clean up the requirements. She stated that the partnership for tax credit would be one more tool that would help provide more affordable housing.

Robert Buchmeier stated his agreement with Ms. Bachman and pointed out that affordable housing needed to be addressed in a comprehensive way and urged the County to start its 2010 General Plan which would be the forum for changing the direction of the County on ever-increasing housing prices.

Grace Kubofcik, representing the League of Women Voters, spoke in opposition of the proposed amendment stating that it would eliminate the right of the citizens to speak on a specific site. She stated that the Housing Commission already has powers in the Housing Code. Ms. Kubofcik stated her concerns that the amendment is not being looked at comprehensively. She urged the Board to look at narrowing the scope and make recommendations to the Council.

Bridget Mugane, representing the HCCA, stated her agreement with Ms. Kubofcik, stating that the amendment should be part of a comprehensive affordable housing program, which would be moving forward in the fall. She stated her concerns that the public has not had sufficient time to understand the amendments being proposed. Ms. Mugane also stated that HCCA has looked at more mobile home parks as affordable housing in the County.

Steven Meskin of 5626 Spanish Point Road Columbia agreed with Ms. Mugane's testimony and stated that he was a member of HCCA. Mr. Meskin stated his concerns that work force housing

should provide the same quality of life as any other housing in Howard County. He explained his concerns regarding items that were not addressed in the amendment such as design or environmental review of the legislation, no limit on density in bulk requirements and that the projects be fairly distributed around the County.

Tim Sosinski of 11795 Ragdon Wood, Clarksville, Maryland spoke in support of the proposed amendment stating that he was a member of the Affordable Housing Task Force and as an architect works on many affordable and full spectrum housing in the County. He explained that the amendments should be approved to allow projects to move forward.

Janice Bloodsworth of 3733 Chatham Road, Ellicott City spoke in opposition to the proposed amendments stating her concerns regarding keeping a balance of commercial and residential property in the County.

John Lederer of 9894 Frederick Road, Ellicott City questioned why certain zones were put into the legislation and then taken out. He stated his concerns regarding lack of density restrictions as well as the assurance that the requirements would be put in the housing code.

Patrick Crowe spoke in opposition of the proposed amendment stating that it was counterintuitive to implement broad sweeping changes. He stated his concerns that there are 14 changes that do not follow the General Plan and the lack of notification to the citizens regarding this meeting. Mr. Crowe also stated concerns that the amendments needed to be studied instead of rushed through the system.

Greg Thorson, of 10326 Kettleson Court stated his concern that the amendments are being pushed through too quickly and have not been adequately reviewed.

Carol McPhea stated her agreement with Mr. Sosinski.

Keith Kelly of 10215 Feaga Farm Court, spoke against the proposed amendments encouraging more of a collaborative effort with the County and the communities.

Matt Kilhorn stated that he is a member of the armed forces and spends over 50% of his income for housing and that he is opposed to the legislation.

Ted Barouck stated his concern that the affordable housing should be integrated within existing communities.

Mr. Lafferty stated that there were meetings with many community representatives in order to benefit from their insights and concerns. He explained that Housing would be putting forward legislation for the Housing Code, which is not part of the Zoning Regulations. Mr. Lafferty explained that prior to filing the amendment EDA was notified and did not have any negative feedback. He also explained that CCT and OT were eliminated because they are transitional zones and that the removal of some of the zones were considered to be beneficial. He stated that the Affordable Housing Task Force Report recommended that commercial zones be opened up for affordable housing.

Ms. Dombrowski asked how projects would go forth and if there are any existing projects. Mr. Spann stated that existing commission owned housing communities are scattered throughout the County. He explained that the proposed legislation would allow for partnerships in order to obtain tax credits and that the Housing Commission would have complete control. Mr. Spann also explained that the tax credits are federal tax credits with heavy regulations and that several steps in the process allow for

community input as well as obtaining a Council a Resolution endorsing each project. He further explained that in order to get funds for projects, he would also need County Council approval, which would be another step for community involvement.

Ms. Dombrowski questioned if the process would be the same if it were a partnership rather than wholly owned. Mr. Spann explained that it would not need Council action regarding tax credits, but would require Council approval for financing.

Ms. Dombrowski asked if bulk regulations would apply and stated her concern regarding housing in zones such as M-1 or M-2, which are highly industrial. Mr. Spann explained that they would use bulk regulations to require setbacks. He also explained that all zones were included because there is no way to know where opportunities will be and the State would visit the site to see what the area is like before awarding tax credits.

Mr. Rosenbaum asked several questions regarding other Counties that currently have this type of program. Mr. Lafferty explained that Baltimore County does not because there is no commission and that under current Howard County Housing Code a project that is wholly Commission-owned, they can go into any commercial district now.

Ms. Dombrowski asked if parking would be dictated and if any consideration for community gathering spaces were considered. Mr. Lafferty stated that yes parking would be required and that open space allows for amenities or passive recreational open space.

Mr. Rosenbaum asked if there were reasons that the legislation needed to move forward tonight. Mr. Lafferty explained that he would like the project to be approved in order to get a project moving forward in the POR District, which is a good, high quality property.

Ms. Dombrowski questioned points brought up by citizens regarding heights and zones. Mr. Lafferty stated that in the POR zone, if a four-story building is constructed the 50-foot setback would be appropriate. Based on the bulk regulations, a project will be limited by the size of the site.

Ms. Kubofcick stated that the public had been presented with a number of amendments, which we were not aware of to comment on and would like the opportunity to do so.

Ms. McLaughlin suggested that the concerns that have been raised be addressed, rather restricting the Housing Commission to POR zones.

Mr. Neal Colder 9724 Hilsmere Road, Ellicott City stated his concern that if it were part of the regulations, the public would have less notification.

Motion:

Mr. Rosenbaum moved that ZRA-90 be turned back to staff to make modifications based on comments that were made and return to the Board within a two-week time frame for discussion and voting at the next Board meeting. Ms. Dombrowski seconded the motion.

Discussion:

Mr. Rosenbaum stated that several modifications such as removing zoning categories were suggested during the meeting and that the Board needed to see the amended proposed legislation in order to discuss and vote on it.

Ms. Dombrowski stated that the public record should stay open to get more feedback from the community and suggested a deadline of August 17th to allow for community input.

Vote:

3 Yea 0 Nay. The motion was carried.

Council Bill xx-2007 – Marsha S. McLaughlin, Director, Department of Planning and Zoning

Presented By:	William Mackey
Petition and Location:	Request to create a new sub-section (16) in Section 131 N.1.a. Age-Restricted Adult Housing, General and a request to create a new sub-section (7) in Section 131.N.1.b. Age-Restricted Adult Housing, Multi-Plex to establish a requirement for review by the Design Advisory Panel (DAP) of age-restricted adult housing (ARAH) projects that are required to receive conditional use approval under the provisions of Section 131: Conditional Uses.
DPZ Recommendation:	Approval
Petitioner's Representative:	Steve Lafferty, Deputy Director, Planning and Zoning Stacy Spann, Director, Department of Housing and Community Development

Mr. Mackey explained the proposed legislation as standard guidelines and procedures for creating a Design Advisory Panel.

Mr. Rosenbaum questioned the need for the legislation since the Department consists of planners. Mr. Mackey explained that Design Advisory Panel would be a volunteer board and part of the internal review process and that Baltimore County and Baltimore City have very similar boards. He also stated that the desirability of a Design Advisory Panel has been suggested by citizens for a variety of situations. Mr. Mackey explained that the Panel would raise the design standard for the projects reviewed.

Ms. CitaraManis questioned what in the process is not working that would require the Panel? Mr. Mackey stated that the Department currently does not have an aesthetics review, only a regulatory review. He explained that the Panel would review how a building and site look as well as functioning.

Ms. CitaraManis asked what type of decisions the Panel would be making. Mr. Mackey stated that after design review by the Design Advisory Panel, the plan would go to SRC. He further explained that the Panel would not affect the power of the Planning Board to approve projects, it looks only at design issues. Ms. McLaughlin explained that the only instance it would come to the Board would be in the NT zone.

Mr. Sam Crozier, of 5245 Open Window, Columbia spoke in support of the proposed legislation stating that a Panel would be a positive that would allow for site and design problems to be resolved and would be more beneficial to the community and the environment.

Grace Kubofcik of 4801 Carmen Drive in Ellicott City, speaking for the League of Women Voters, spoke in support of the proposed legislation and supported that Route 1 fronting properties or other primary roads should be brought to the Panel.

Bridget Mugane of 9250 Red Cart Court, Columbia, speaking on behalf of HCCA, supported the proposed legislation. She stated that the Panel would promote higher value property through better design. She suggested it be applied to the entire County and that the Panel have at least two lay members. She also requested that the Panel have the same pre-submission meetings as developers do.

Lee Richardson of 10655 Gramercy Place Columbia, speaking on behalf of the Town Center Community Association spoke in favor of the proposed legislation. He stated his agreement that two members of the Panel be from the community to offer different insight.

Robert Tennenbaum of 5422 Wild Turkey Lane Columbia spoke in favor of the proposed legislation and submitted written testimony. He stated that a successful process could be applicable to the rest of Columbia. He also stated his disagreement with the Panel having community representatives in favor of an all-professional panel.

Tim Sosinski of 11795 Dragon Wood Clarksville spoke supporting the proposed legislation. He explained that he was previously the administrator of the Baltimore City DAP and has been on both sides of the table. Mr. Sosinski stated that citizens would not be able to keep up with the dialog of the Panel and that the Panel's role is to determine a better way to do something to improve the environment and guide the consultant professionals toward a better solution.

Mr. Rosenbaum asked if staff from the Department would be sufficient. Mr. Sosinski answered no, stating that the concern was to have high-level professional assistance.

Nick Mangraviti of 5676 Vantage Point Road, Columbia, stated his agreement with previous supporting testimony. He also stated that since the legislation is new it would be wise to try it on in certain areas to prove itself.

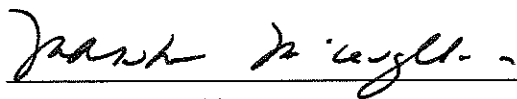
Bob Keane of 6404 Quiet Night Ridge spoke in support of the proposed legislation that architecture requires a high level of technical expertise and that the Panel should be made up of people with professional qualifications.

Joel Broida of 10205 Wincoppin Circle stated his belief that lay people should be on the Panel and that the citizens shouldn't be forgotten.

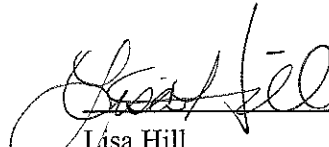
Ms. CitaraManis stated that a worksession would be held on September 6, 2007 if the Agenda would accommodate it.

Ms. CitaraManis closed the public meeting at approximately 11:10 p.m.

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 11:10 P.M.



Marsha McLaughlin
Executive Secretary


Lisa Hill
Recording Secretary